

## **FISCAL NOTE**

### **HB 590 - SB 823**

March 2, 2001

#### **SUMMARY OF BILL:**

1. Defines *brownfields property* and authorizes the Commissioner of Environment and Conservation to enter into brownfields agreements with prospective developers.
2. Provides that:
  - Parties are permitted to rely on land use restrictions in negotiating a brownfields agreement.
  - Brownfields agreements are to include a detailed description of the property.
  - Prospective developers of brownfields properties are required to notify the affected public and affected governmental entities.
  - A prospective developer is required to file any necessary notice of land use restrictions with the appropriate register of deeds.
  - Current provisions for placing liens on properties subject to the Hazardous Waste Management Act of 1983 are replaced with the provisions pertaining to notices of land use restrictions.
  - Absolute immunity is given to the state, its agencies, employees and agents from any liability in any proceeding for any injury or claim arising from negotiating, entering into, monitoring or enforcing a brownfield agreement.
  - Sites listed on the EPS's national priorities list are prohibited from participating.
  - A \$5,000 fee is imposed on a prospective developer desiring to participate in the program, but the fee may be waived if the developer has already paid the \$5,000 voluntary clean-up oversight and assistance program fee for the property.

#### **ESTIMATED FISCAL IMPACT:**

**Increase State Revenues - Less Than \$100,000**

**Increase State Expenditures - Less Than \$100,000**

Estimate assumes an increase in revenues from additional fees paid to develop brownfield sites and an increase in expenditures in the Department of Environment and Conservation for oversight of such sites.

#### **CERTIFICATION:**

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.



James A. Davenport, Executive Director

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